

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No. 9986 of 2003

Between:

Smt. B.M.Rama Devi W/O. B.Mukunda Murthy
R/o.Thatinakulapalam, Punganur Mandal, Chittoor.

..... PETITIONER

AND

- 1 The Mandal Revenue Officer, Punganur,
o/o the Mandal Revenue Officer, Punganur, Chittoor.
- 2 The District Collector, Chittoor

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Certiorari, calling for the records relating to the order of the 1st respondent in Roc.B/48/2003 dated 19-5-2003 and quashing the same, holding the same as illegal, arbitrary, unauthorised and unwarranted.

Counsel for the Petitioner : MR.K.G.KRISHNA MURTHY

Counsel for the Respondents : G.P. for Revenue

The Court made the following :

-

-

-

-
-
-
-
-
-
-
-

ORDER :

The petitioner assails the proceedings of first respondent dated 19-5-2003. By the said proceedings, first respondent ordered to seize the bore-well of the petitioner in Survey No.123/1C, which was admittedly drilled without obtaining any permission. A reading of the impugned order would show that the Mandal Revenue Officer, Punganur Mandal, Chittoor District, seized the bore-well of the petitioner in exercise of powers delegated to him by the District Collector and also keeping in view Rule 15 of the Andhra Pradesh Water, Land and Trees Rules, 2002 (for brevity ‘the Rules’). Rule 15 of the Rules authorizes the authority to seize any bore-well to ensure supply of drinking water to local population. In such event, the person, who is the owner of the bore-well and using for the purpose of irrigation, is entitled to be compensated for the crop loss as determined by the District Collector in consultation with the Agriculture Department. As the Mandal Revenue Officer passed orders for the purpose of drinking, this Court also while admitting the writ petition passed interim orders on 23-5-2003 directing the Mandal Revenue Officer to permit the petitioner to draw the water twice in a week for harvesting the available crop, if there is any excess water available in the bore-well after meeting the requirement of supply of drinking water to the villagers. This is, however, not denied.

Learned counsel for the petitioner Sri K.Mahadev raised two contentions. First, the impugned order is bad for violation of principles of natural justice. Secondly, the Mandal Revenue Officer is not competent to seize the bore-well. These contentions are properly met in the counter affidavit filed by first respondent placing reliance on the Gazette Notification dated 14-3-2001 issued under Section 12 of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short ‘the Act’). Therefore, the order cannot be said to be without jurisdiction. However, the question as to whether there is need to seize the bore-well of the petitioner is still remains. This is a matter, which requires verification and the petitioner as well can agitate the matter under Section 33 of the Act by filing an appeal before the District Collector.

Giving liberty to the petitioner to do so, the writ petition is dismissed, but without any order as to costs.

(V.V.S. RAO, J.)

13-10-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Mandal Revenue Officer, Punganur,
o/o the Mandal Revenue Officer, Punganur, Chittoor.
- 2 The District Collector, Chittoor
3. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad.
4. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.9986 of 2003

13-10-2004.

(Msr)